

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 LINDA K. SCHNEIDER  
Supervising Deputy Attorney General  
3 RITA M. LANE, State Bar No. 171352  
Deputy Attorney General  
4 110 West "A" Street, Suite 1100  
San Diego, CA 92101  
5 P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 645-2614  
7 Facsimile: (619) 645-2061

8 Attorneys for Complainant

9 **BEFORE THE**  
**BOARD FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 844-A

13 EARL WARREN WEBB  
19872 Rotterdam Street  
14 Riverside, CA 92508

**A C C U S A T I O N**

15 Civil Engineer License No. C 37384

16 Respondent.

17  
18 Complainant alleges:

19 PARTIES

20 1. Joanne Arnold (Complainant) brings this Accusation solely in her official  
21 capacity as the Interim Executive Officer of the Board for Professional Engineers and Land  
22 Surveyors, Department of Consumer Affairs.

23 2. On or about July 22, 1983, the Board for Professional Engineers and Land  
24 Surveyors issued Civil Engineer License Number C 37384 to Earl Warren Webb (Respondent).  
25 The Civil Engineer License was in full force and effect at all times relevant to the charges  
26 brought herein and will expire on June 30, 2010, unless renewed.

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## JURISDICTION

3. This Accusation is brought before the Board for Professional Engineers and Land Surveyors (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

5. Section 6775 of the Code states, in pertinent part, that

The board may reprove, suspend for a period not to exceed two years, or revoke the certificate of any professional engineer registered under this chapter:

...

(c) Who has been found guilty by the board of negligence or incompetence in his or her practice.

....

(g) Who in the course of the practice of professional engineering has been found guilty by the board of having violated a rule or regulation of unprofessional conduct adopted by the board.

6. California Code of Regulations, title 16, section 475 states, in pertinent part:

....

(e) Document Submittal:

(1) A licensee shall not misrepresent the completeness of the professional documents he or she submits to a governmental agency.

## FACTS

7. In 2005, Respondent performed design work on a two-story home located at 7231 Brandon Court in Riverside, California (Brandon Court project). The home is approximately 11,200 square feet in size and consists of conventional wood-framed construction and structural steel frames supported on reinforced concrete strip and spread footings. On

1 February 24, 2005, Respondent's first design document for the Brandon Court project was  
2 submitted to the City of Riverside Building and Safety Division (City) for plan check approval.  
3 Numerous errors and deficiencies in the design documents were noted by the City. Many of  
4 these same errors were noted a second time in Respondent's second plan submission to the City  
5 on April 13, 2005 for the Brandon Court project.

6 8. City plan check documents for Respondent's previous projects at 1885  
7 University Avenue and 2552 Sunset Drive from April 2002 to September 2005, also revealed  
8 numerous errors and deficiencies in the design documents relating to building siting,  
9 architectural, structural, mechanical, electrical and plumbing designs that are not in compliance  
10 with applicable California code requirements.

11 FIRST CAUSE FOR DISCIPLINE

12 (Negligence in the Practice of Engineering)

13 9. Respondent is subject to disciplinary action under section 6775(c) in that  
14 Respondent was negligent in his practice of engineering in that there were numerous errors and  
15 deficiencies in the design documents he prepared for the Brandon Court project as follows:

16 a. The front and rear elevations do not accurately depict the two-story  
17 construction of the maid's room over the garage.

18 b. The elevations reference clay roofing tile with an International Code  
19 Council Evaluation Report No. ER-4204, but no such ER report exists.

20 c. No column or reference lines are shown on the structural plans, so there is  
21 no easy way to correlate the design analysis results with the structural framing plans.

22 d. Lateral load-resisting elements are shown on the framing plans, but no  
23 collector elements or drag struts are shown demonstrating a rational load path for transferring the  
24 loads into the elements.

25 e. The distribution of lateral loads at the roof level appears to be incomplete  
26 at load lines 30 and 31.

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1 f. No shear transfer or connection details at wood-to-steel construction are  
2 provided, e.g., drag struts, roof eaves, second floor diaphragm at both the perimeter and at the steel  
3 frame along load line 15.

4 g. At load line 8, no detailing or anchorage requirements are provided to  
5 resist the overturning forces from the second-story shear walls located above the first floor steel  
6 moment frame.

7 h. Spread footings are not shown beneath the steel columns along load lines  
8 18, 19, 20, 21 and 26.

9 i. Base plate connection details for the steel frame columns are inadequate.

10 j. The special seismic provisions of the California Building Code regarding  
11 irregular structures do not appear to be fully accounted for, e.g., load lines 8 and 26 with plywood  
12 shear walls over a steel moment frame.

13 k. No slope correction factor appears to be applied to roof dead loads.

#### 14 SECOND CAUSE FOR DISCIPLINE

15 (Negligent Pattern of Conduct in the Practice of Engineering)

16 10. Respondent is subject to disciplinary action under section 6775(c) in that  
17 Respondent was negligent in his practice of engineering when review of prior plan check  
18 submittals to the City by Respondent revealed a negligent pattern of conduct in his practice of  
19 engineering. The repetitive nature of the plan check comments from the City indicates that  
20 Respondent repeatedly failed to address and correct the City's concerns from one submittal to the  
21 next and are a failure by Respondent to use appropriate care over the course of several projects  
22 over several years. Examples of Respondent's negligent pattern of conduct are as follows:

#### 23 11. 1835 University Avenue Project:

24 a. First Plan Review by the City dated April 12, 2002 found:

25 (1) Incomplete engineering calculations; no lateral load analysis  
26 calculations.

27 (2) Footings not shown on plans.

28 (3) Shear wall types and locations not shown on plans.

- 1                   b.     Second Plan Review by the City dated August 8, 2002 found:
- 2                         (1) Failure to account for building setback and fire-resistive construction
- 3                         requirements.
- 4                         (2) Failure to account for minimum egress requirements.
- 5                         (3) Mechanical, electrical and plumbing errors.
- 6                         (4) City refused to review structural calculations and structural drawings
- 7                         due to the numerous design errors related to nonstructural code
- 8                         requirements.
- 9                   c.     Third Plan Review by the City dated November 12, 2002 found:
- 10                        (1) Failure to account for building setback and fire-resistive construction
- 11                        requirements.
- 12                        (2) Failure to account for minimum egress requirements.
- 13                        (3) Incomplete engineering calculations.
- 14                        (4) Structural irregularities not accounted for per 1997 Uniform Building
- 15                        Code section 1630.8.2.
- 16                        (5) No details for shear transfer connections.
- 17                        (6) No details for drag struts and collector elements.
- 18                        (7) Locations of hold down(s) not shown.
- 19                        (8) Concerns regarding footings beneath load-bearing elements.
- 20                        (9) Cannot correlate shear walls in calculations with those on plans.
- 21                        (10) Mismatched construction in details (wood walls shown instead of
- 22                        masonry walls and steel column).
- 23                   12.   2552 Sunset Drive Project:
- 24                   a.     First Plan Review by the City dated November 6, 2002 found:
- 25                        (1) Incomplete engineering calculations.
- 26                        (2) Structural irregularities not accounted for per 1997 Uniform Building
- 27                        Code section 1630.8.2.
- 28                        (3) No details for shear transfer connections.

- (4) No details for drag struts and collector elements.
- (5) Locations of hold down(s) not shown.
- (6) No foundations beneath steel columns.
- (7) Cannot correlate shear walls in calculations with those on plans.
- (8) Specify steel in footings.

b. Second Plan Review by the City dated December 3, 2002 found:

- (1) Incomplete engineering calculations.
- (2) Structural irregularities not accounted for per 1997 Uniform Building Code section 1630.8.2.
- (3) Incomplete details for shear transfer connections.
- (4) Incomplete details for draf struts and collector elements.
- (5) Locations of hold down(s) not shown.

13. 7231 Brandon Court Project:

a. First Plan Review by the City dated January 21, 2005 found:

- (1) Fire-resistive construction omissions.
- (2) Electrical and mechanical system errors.
- (3) Incomplete engineering calculations.
- (4) Cannot correlate shear walls in calculations with those on plans.
- (5) Structural irregularities not accounted for per 1997 Uniform Building Code section 1630.8.2.
- (6) Improper details for shear transfer connections.
- (7) No details for drag struts and collector elements; collector elements not shown on plans.
- (8) Locations of hold down(s) not shown.
- (9) Concerns regarding footings beneath load-bearing elements.
- (10) Mismatched construction in details (wood beams shown instead of steel moment frames).

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- 1                   b.     Second Plan Review by the City dated May 2, 2005 found:
- 2                         (1) Fire-resistive construction omissions.
- 3                         (2) Electrical and mechanical system errors.
- 4                         (3) Incomplete engineering calculations.
- 5                         (4) Cannot correlate shear walls in calculations with those on plans.
- 6                         (5) Structural irregularities not accounted for per 1997 Uniform Building
- 7                         Code section 1630.8.2.
- 8                         (6) Improper details for shear transfer connections.
- 9                         (7) No details for drag struts and collector elements; collector elements
- 10                        not shown on plans.
- 11                        (8) Locations of hold down(s) not shown.
- 12                        (9) Concerns regarding footings beneath load-bearing elements.
- 13                        (10) Mismatched construction in details (wood beams shown instead of
- 14                        steel moment frames).

15                                   THIRD CAUSE FOR DISCIPLINE

16                                   (Violation of a Regulation)

17           14.     Respondent is subject to disciplinary action under section 6775(g) in that he

18     violated a board regulation when he consistently misrepresented the completeness of the

19     professional documents he submitted to the City on the Brandon Court project in violation of

20     CCR section 475(e)(1). The circumstances are set forth in detail in paragraphs 7 through 13

21     above, and are incorporated herein as though fully set forth.

22                                   PRAYER

23                   WHEREFORE, Complainant requests that a hearing be held on the matters herein

24     alleged, and that following the hearing, the Board for Professional Engineers and Land Surveyors

25     issue a decision:

26                   1.     Revoking or suspending Civil Engineer Number C 37384, issued to Earl

27     Warren Webb;

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2. Ordering Earl Warren Webb to pay the Board for Professional Engineers and Land Surveyors the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and

3. Taking such other and further action as deemed necessary and proper.

DATED: April 29, 2009

*Original Signed* \_\_\_\_\_  
JOANNE ARNOLD  
Interim Executive Officer  
Board for Professional Engineers and Land Surveyors  
Department of Consumer Affairs  
State of California  
Complainant

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